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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,129	09/27/2000	Wayne K. Dunshee	55990USA2A.002	5936

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EXAMINER

BROWN, MICHAEL A

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/67/129

Applicant(s)

Wayne K. Dunshee

Examiner

Michael Brown

Group Art Unit

3764

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-30 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-30 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 445
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan.

Sheehan discloses in figures 1-5 a wound closure comprising a pressure sensitive adhesive 40, opposing elastomeric end portions (12, 14 the ends are made of polyurethane), a bridging portion 16, (the bridge portion stretches less than the end portions because it can be made of aluminum), an elastomeric back 50 and a reinforcing layer 30 that is a polymeric film. However, Sheehan does not disclose the wound closure having the same stretching properties recited in the claims. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the wound closure as disclosed by Sheehan could be fabricated to stretch the same percentage recited in the claims and recovery from stretching the same percentages recited in the claims in order to use the wound closure to close a wound. Also the stretching and recovery percentages do not provide any novelty or criticality over the prior art.

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3. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan in view of Wiemken.

Sheehan discloses in figures 1-5 a wound closure, substantially as claimed. However, Sheehan does not disclose the end portions having unequal lengths. Wiemken teaches in figures 1-2 a bandage comprising ends portions (4, 6), wherein the second end portion (6) is longer than the first end portion. It would have been obvious to having ordinary skill in the art at the time that the invention was made that the wound closure as disclosed by Sheehan could be fabricated with one end longer than the other end as taught by Wiemken in order to use the longer end to provide additional adhesion.

4. Claims 19-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan in view of Wiemken, along with Blackford.

Sheehan discloses in figures 1-5 a wound closure, substantially as claimed. However, Sheehan does not disclose the wound bridge portion having a width less than the end portions or the end portions having unequal lengths. Wiemken teaches in figures 1-2 a bandage having end portions with unequal lengths. Blackford teaches in figure 2 a wound closure comprising wound bridge portion 3 having a width less than the end portions 2. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the wound bridge portion as disclosed by Sheehan could be fabricated with a width that is less than the width of the end portions as taught by Blackford. The unequal length end portion would provide additional adhesion. The bridge portion having a width less than the end portions would allow access (air or

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medication) to the wound. The stretching and recovering of the material is inherent of an elastomeric material.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. James discloses an interlocking suture. Although this reference is pertinent prior art, it was not used to reject any claims, in the first office action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is (703) 308-2682.

M. Brown  
September 10, 2003

A handwritten signature in cursive script that reads "Michael A. Brown".

Michael A. Brown  
Primary Examiner